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6 Attorneys for Petitioner
HANSEN BEVERAGE COMPANY
7

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 HANSEN BEVERAGE COMPANY, a
Delaware corporation,

12
13 Petitioner,

14 v.

15 DSD DISTRIBUTORS, INC., a Wisconsin
corporation

16 Respondent.
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CASE NO. 08-CV-0619 LAB (RBB)

**DECLARATION OF TANYA M.
SCHIERLING IN SUPPORT OF HANSEN
BEVERAGE COMPANY'S *EX PARTE*
APPLICATION FOR LEAVE TO FILE A 3-
PAGE SURREPLY IN OPPOSITION TO
MOTION TO DISMISS OR STAY
PETITION TO CONFIRM ARBITRATION
AWARD**

Date: June 9, 2008
Time: 11:15 a.m. (no oral argument;
taken under submission pursuant to Minute
Order dated June 4, 2008)

Hon. Larry A. Burns

1 I, Tanya M. Schierling, declare:

2 1. I am a member of the Bar of the State of California and a partner at the law
3 firm of Solomon Ward Seidenwurm & Smith, LLP, counsel for Petitioner Hansen Beverage
4 Company ("Petitioner") in this matter. I make this declaration of my own personal
5 knowledge.

6 2. In accordance with Judge Burns' Chambers Rules, Rule #8, I met and
7 conferred with opposing counsel, Julie Lewis, on June 4-5, 2008 to request her stipulation
8 that Petitioner may file a surreply on her client's pending motion to dismiss or stay
9 Petitioner's petition to confirm arbitration award. Ms. Lewis declined so to stipulate.
10 Attached as Exhibit "1" are true and correct copies of our written meet and confer
11 correspondence.

12 I declare under penalty of perjury under the laws of the United States of America and
13 the State of California that the foregoing is true and correct of my own personal knowledge
14 and that I executed this Declaration on June 5, 2008.

15
16 /s/ Tanya M. Schierling
17 TANYA M. SCHIERLING
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CERTIFICATE OF SERVICE

I caused the **DECLARATION OF TANYA M. SCHIERLING IN SUPPORT OF HANSEN BEVERAGE COMPANY'S EX PARTE APPLICATION FOR LEAVE TO FILE A 3-PAGE SURREPLY IN OPPOSITION TO MOTION TO DISMISS OR STAY PETITION TO CONFIRM ARBITRATION AWARD** to be served in the following manner:

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

Electronic Mail Notice List

Leila Nourani, Esq.
Michael B. McCollum, Esq.
Foley & Lardner
555 South Flower Street, Suite 3500
Los Angeles, CA 90071
Telephone: (213) 972-4500
Facsimile: (213) 486-0065
lnourani@foley.com
mmccolum@foley.com
Attorneys for Defendant
DSD Distributors, Inc.

Julie A. Lewis
Nowlan & Mouat, LLP
100 South Main Street
P.O. Box 8100
Janesville, WI 53547-8100
Telephone: (608) 755-8100
Facsimile: (608) 755-8110
jlewis@nowlan.com
Attorneys for DSD Distributors, Inc.

/s/ Tanya M. Schierling
TANYA M. SCHIERLING

Tanya M. Schierling

From: Tanya M. Schierling
Sent: Wednesday, June 04, 2008 3:32 PM
To: Inourani@foley.com; 'Julie A Lewis'
Subject: Hansen's Surreply

Leila and Julie,

In accordance with Judge Burns' chambers rule #8 concerning ex parte applications and miscellaneous administrative requests, I am writing to meet and confer with you to seek your stipulation that Hansen may file a surreply on DSD's motion to dismiss for lack of jurisdiction. We will limit our surreply to three (3) pages. In the event you are not willing to stipulate, then Hansen will apply ex parte for leave to file a surreply.

Please let me know if you will so stipulate.

Thank you,
Tanya

**Solomon
Ward**
Attorneys at Law

Solomon
Ward
Seidenwurm &
Smith LLP

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EXHIBIT 1

Page 1

6/5/2008



JAMES R. CRIPE	JOHN M. WOOD
BRUCE R. BRINEY	SARA L. GEHRIG
DENNIS L. HANSCH	STEVEN T. CAYA
FREDERICK L. WESNER	TIMOTHY H. LINDAU
DAVID C. MOORE	JULIE A. LEWIS
CAROL J. HATCH	Of Counsel:
KAYLA K. HILLER	LARRY W. BARTON
	SCOTT F. SHADEL

June 5, 2008

via electronic and U.S. Mail

Tanya L. Schierling
Solomon Ward Seidenwurm & Smith, LLP
401 B Street, Suite 1200
San Diego, CA 92101

Re: Hansen Beverage Company v. DSD Distributors, Inc.
08-CV-0619

Dear Ms. Schierling:

I am writing to respond to your e-mail message (copy enclosed) asking DSD to agree that Hansen may file a surreply to DSD's motion to dismiss or stay in the above-referenced matter. DSD cannot stipulate to Hansen's request. We do not believe Hansen can show good cause to support its request. More importantly, however, we do not believe the parties can stipulate to responsive pleadings after the Court has taken the matter up for submission.

We would appreciate it if you would include a copy of this letter with any application you file with the Court.

Sincerely,

NOWLAN & MOUAT LLP

A handwritten signature in cursive script that reads "Julie A. Lewis".

Julie A. Lewis

Enclosure

cc: Attorney Leila Nourani (via e-mail)

EXHIBIT 1

Page 2

Julie A Lewis

From: Tanya M. Schierling [TSchierling@swsslaw.com]
Sent: Wednesday, June 04, 2008 5:32 PM
To: Inourani@foley.com; Julie A Lewis
Subject: Hansen's Surreply

Leila and Julie,

In accordance with Judge Burns' chambers rule #8 concerning ex parte applications and miscellaneous administrative requests, I am writing to meet and confer with you to seek your stipulation that Hansen may file a surreply on DSD's motion to dismiss for lack of jurisdiction. We will limit our surreply to three (3) pages. In the event you are not willing to stipulate, then Hansen will apply ex parte for leave to file a surreply.

Please let me know if you will so stipulate.

Thank you,
Tanya

**Solomon
Ward**
Attorneys at Law

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Ward
Seidenwurm &
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To: jlewis@nowlan.com

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From: tschierling@swsslaw.com

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EXHIBIT 1

6/5/2008

Page 3

Tanya M. Schierling

From: Tanya M. Schierling
Sent: Thursday, June 05, 2008 8:13 AM
To: 'jlewis@nowlan.com'
Subject: Re: Hansen Beverage Company v. DSD Distributors, Inc. 08CV0619

Julie,
To address the second concern in your letter--I spoke with Judge Burns' clerk and she informed me that the parties could submit a joint motion/stipulation to allow Hansen a surreply. This was after she informed me the Judge was taking the matter under submission. Please let me know if this information changes your mind.
Thanks,
Tanya

----- Original Message -----

From: Julie A Lewis <JLewis@nowlan.com>
To: Tanya M. Schierling
Cc: Nourani, Leila <LNourani@foley.com>; McCollum, Michael B. <MMcCollum@foley.com>
Sent: Thu Jun 05 07:56:40 2008
Subject: Hansen Beverage Company v. DSD Distributors, Inc. 08CV0619

Dear Ms. Schierling:

Please see the attached letter.

<<Ltr to TSchierling.06.05.08.pdf>>

Julie A. Lewis
Nowlan & Mouat LLP
100 S. Main Street
P.O. Box 8100
Janesville, WI 53547
608-755-8100
608-755-8110 (fax)

Please visit our website at: <http://www.nowlan.com> <<http://www.nowlan.com>>

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EXHIBIT 1

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